

DECLARATION

As the below-named inventors, we declare that: #3

Our residences, post office addresses, and citizenships are as stated below under our names.

We believe we are the original, first and joint inventors of the invention entitled "INHIBITORS OF THE ICE/CED-3 FAMILY OF CYSTEINE PROTEASES," which is described and claimed in the specification and claims of C-I-P Application No. 09/908,969, which we filed in the United States Patent and Trademark Office on July 18, 2001 and for which a patent is sought; and that this application in part discloses and claims subject matter disclosed in our earlier-filed Application No. 09/482,813 entitled "INHIBITORS OF THE ICE/CED-3 FAMILY OF CYSTEINE PROTEASES," which we filed in the United States Patent and Trademark Office on January 13, 2000.

We have reviewed and understand the contents of the above-entitled specification, including the claims, as amended by any amendment specifically referred to herein (if any).

We acknowledge our duty to disclose information of which we are aware which is material to the patentability and examination of this application in accordance with 37 C.F.R. § 1.56(a), including material information which occurred between the filing date of said earlier-filed applications and the filing date of this application.

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Robert J. Ternarsky
Robert J. Ternarsky

Date 9-25-01

Residence : City of San Diego, County of San Diego
State of California

Citizenship : United States of America

P.O. Address : 4215 Shorepointe Way
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Patricia L. Gladstone

Patricia L. Gladstone

Date 09/25/01

Residence : City of San Diego, County of San Diego
State of California

Citizenship : Canada

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San Diego, California 92126

Kevin J. Tomaselli

Kevin J. Tomaselli

Date 9/28/01

Residence : City of San Diego, County of San Diego
State of California

Citizenship : United States of America

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Bin Chao

Bin Chao

Date 09/24/01

Residence : City of San Diego, County of San Diego
State of California

Citizenship : People's Republic of China

P.O. Address : 12685 Camino Mira Del Mar, #153
San Diego, California 92130

Steven D. Linton

Steven D. Linton

Date 9-24-01

Residence : City of San Diego, County of San Diego
State of California

Citizenship : United States of America

P.O. Address : 11320 Red Cedar Drive
San Diego, California 92131



EXPRESS MAIL NO. EL897869195US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Robert J. Ternansky et al.
Application No. : 09/908,969
Filed : July 18, 2001
For : INHIBITORS OF THE ICE/CED-3 FAMILY OF CYSTEINE
PROTEASES

Docket No. : 480140.457C1

Box Missing Parts
Commissioner for Patents
Washington, DC 20231

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73 AND POWER OF ATTORNEY

The undersigned, being Assignee of the entire interest in the above-identified application by virtue of an Assignment filed concurrently herewith, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

Assignee hereby appoints George C. Rondeau, Jr., Reg. No. 28,893; David H. Deits, Reg. No. 28,066; William O. Ferron, Jr., Reg. No. 30,633; Richard G. Sharkey, Reg. No. 32,629; David V. Carlson, Reg. No. 31,153; Karl R. Hermanns, Reg. No. 33,507; Michael J. Donohue, Reg. No. 35,859; Jane E. R. Potter, Reg. No. 33,332; Robert Iannucci, Reg. No. 33,514; Lorraine Linford, Reg. No. 35,939; David W. Parker, Reg. No. 37,414; E. Russell Tarleton, Reg. No. 31,800; Ellen M. Bierman, Reg. No. 38,079; Brian G. Bodine, Reg. No. 40,520; Robert M. Ward, Reg. No. 26,517; Frank Abramonte, Reg. No. 38,066; Kevin S. Costanza, Reg. No. 37,801; Stephen J. Rosenman, Reg. No. 43,058; Brian L. Johnson, Reg. No. 40,033; Susan D. Betcher, Reg. No. 43,498; William T. Christiansen, Reg. No. 44,614; Jeffrey C. Pepe, Reg. No. 46,985; Timothy L. Boller, Reg. No. 47,435; James M. Verna, Reg. No. 33,287; James A. Mesher, Reg. No. P-48,700; Mae J. Rosok, Reg. No. P-48,903; Dale R. Cook, Reg. No. 42,434; comprising the firm of Seed Intellectual Property Law Group PLLC, 701 Fifth Avenue, Suite 6300, Seattle, Washington 98104-7092, as its attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Please direct all telephone calls to **Karl R. Hermanns** at (206) 622-4900 and telecopies to (206) 682-6031.

Please direct all communications to:



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PATENT TRADEMARK OFFICE

Karl R. Hermanns
Seed Intellectual Property Law Group PLLC
701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092

Pursuant to 37 C.F.R. § 3.73, the undersigned duly authorized designee of Assignee certifies that the evidentiary documents have been reviewed, specifically the Assignment to Idun Pharmaceuticals, Inc., filed concurrently herewith for recording, a copy of which is attached hereto, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Idun Pharmaceuticals, Inc.
ASSIGNEE

9/21/01

DATE

Kevin J. Tomaselli, Ph.D.
Vice President of Science and Technology

Enclosure:

Copy of Assignment

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COPY

ASSIGNMENT

WHEREAS, we, Robert J. Ternansky, Patricia L. Gladstone, Kevin J. Tomaselli, Bin Chao and Steven D. Linton (hereinafter referred to as ASSIGNORS), having post office addresses of 4215 Shorepointe Way, San Diego, California 92130; 9242 Pebblestone Lane, San Diego, California 92126; 3665 Jackdaw Street, San Diego, California 92103; 12685 Camino Mira Del Mar, #153, San Diego, California 92130; and 11320 Red Cedar Drive, San Diego, California 92131, respectively, are the joint inventors of an invention entitled "INHIBITORS OF THE ICE/ced-3 FAMILY OF CYSTEINE PROTEASES," as described and claimed in the specification forming part of a continuation-in-part application for United States letters patent which was filed on July 18, 2001 and assigned Application No. 09/908,969. This application is a continuation-in-part of U.S. Application No. 09/482,813, filed January 13, 2000.

WHEREAS, Idun Pharmaceuticals, Inc. (hereinafter referred to as ASSIGNEE), a corporation of the State of California having a place of business at 9380 Judicial Drive, San Diego, California 92121, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE, the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters

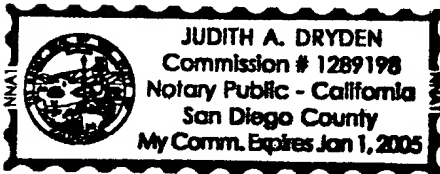
patent on said invention, for litigation regarding said letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

9-25-01
Date

Robert J. Ternansky
Robert J. Ternansky

State of California)
County of San Diego) ss.

On 9-25-01, before me, Judith A. Dryden ^{notary}, personally appeared Robert J. Ternansky, ☐ personally known to me or ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person executed the instrument.



WITNESS my hand and official seal.

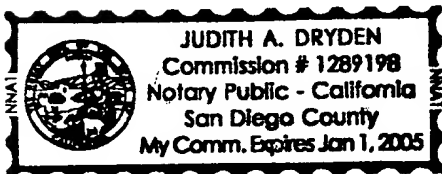
Judith A. Dryden

09/25/01
Date

Patricia L. Gladstone
Patricia L. Gladstone

State of California)
County of San Diego) ss.

On 9-25-01, before me, Judith A. Dryden ^{notary}, personally appeared Patricia L. Gladstone, ☐ personally known to me or ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person executed the instrument.



WITNESS my hand and official seal.

Judith A. Dryden

9/28/01

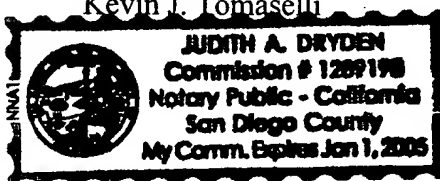
K Tomaselli

Date

State of California)

County of San Diego)

ss.



On 9-28-01, before me, Judith A. Dryden ^{notary} personally appeared Kevin J. Tomaselli, ☒ personally known to me or ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person executed the instrument.

WITNESS my hand and official seal.

Judith A. Dryden

Date

09/24/01

Bin Chao

State of California)

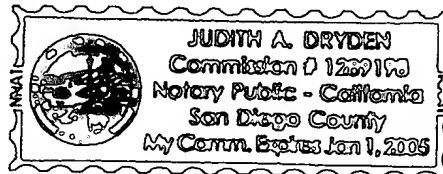
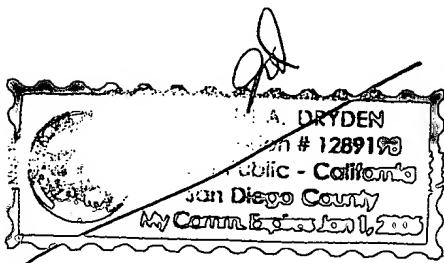
County of San Diego)

ss.

On Sept. 24, 2001, before me, Judith A. Dryden ^{notary} personally appeared Bin Chao, ☒ personally known to me or ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person executed the instrument.

WITNESS my hand and official seal.

Judith A. Dryden

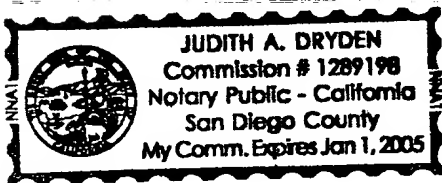


9-24-01
Date

Steven D. Linton
Steven D. Linton

State of California)
County of San Diego) ss.

On Sept. 24, 2007, before me, Judith A. Dryden ^{Notary}, personally appeared Steven D. Linton, ☒ personally known to me or ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person executed the instrument.



WITNESS my hand and official seal.

Judith A. Dryden